

1895-074 Chancery Causes: Mary R. Smith vs. David R. Smith
Lee Co.

Richmond, Orr, Cook

CA-Divorce
T-Dices
Migration

Virginia: In the circuit court of Lee county.

To the Hon. W. J. Miller, Judge of said court:

Humbly complaining, sheweth unto the court, your oratrix, Mary R. Smith, wife of David R. Smith, that she is now twenty five years old; that at the age of 17 years she married the said David R. Smith, and since that time has been to him a constant, faithful and dutiful wife, and has borne him two children, to wit: Harry, now about 7 years old, and Marion, now about three years old. Her husband on the other hand, has been negligent, excessively intemperate in drinking ardent spirits, grossly immoral, and is now a fugitive from justice, and has been scouting, gambling, swindling and forging for more than two years, as she has been recently advised; that she has also been recently advised, to her great mortification, that her said husband has been guilty of frequent acts of adultery, often gambling and traveling with sporting women; that she has not cohabited with him since, and that his gross acts of immorality and constant failure to provide for her and her children amount to such acts of cruelty upon his part as to render it unsafe for your oratrix to live with him again.

Your oratrix charges that she has been a resident of the County of Lee, State of Va. for a period longer than two years; that it is true that her picklers husband has drug her out of the State within that period, but that she has not within a much longer period had any Bona fide residence, and that he is now in some foreign State or Country.

In tender consideration whereof, &c, To the end therefore and &c, your oratrix prays that the said David R. Smith may be made a party defendant to this bill, and that he be required to answer the same upon his corporal oath; that your oratrix be decreed the Custody of her Children; that she be entirely divorced from him, and the Marriage be dissolved; that such other relief be granted as her case requires. May the Commonwealth's writ of Habeas corpus &c, directed &c, and as in duty bound your oratrix will ever pray.

Wm A. Orr, Atty
for Plaintiff.

Mary R. Smith

vs } Bill in Chy

David R. Smith

1895-3rd bill of Sept filed
+ Decree dispensing
with order of Pub-
" 15th Oct rules & pa not
+ Cause set for hearing

1895: Sept the 3rd bill filed
+ Decree dispensing of
Order of Publication.
" 15th Oct rules & pa not
executed + Cause set
for hearing

Wm. A. Orr, Atty.

Mary R. Smith

vs

J. L. Chancery

David R. Smith

This cause, in which the plaintiff appears to have proceeded against the defendant, who is out of the Commonwealth, in the mode prescribed by law, against absent defendants, and he still failing to appear, and answer, came on this day, to be heard on the bill, and the depositions of witnesses, and was argued by counsel for the plaintiff; on consideration whereof, the court being of the opinion that the charge of adultery against the defendant, is ~~fully~~ proved, doth adjudge, order and decree, that the marriage heretofore solemnized between Mary R. Smith ~~and~~ Mary R. Richmond and David R. Smith, he, and the same is hereby dissolved, ^{and} the said Mary R. Smith forever divorced from her ^{said} husband; and that the plaintiff have the custody of the children of said marriage; and that the plaintiff recover from the defendant her costs, by her expended in the prosecution of this suit. Nothing further remaining to be done the cause is stricken from the docket.

C 5.18
atty 15.00
Coc 20.40

Mary R. Smith

v J Decu

David R. Smith

Q. B. Page 257

Entire

M. J. M.

Nov

1895

Virginia: In the Circuit Court
of Lee County and in
vacation at Gladwell, Va.

Mary R. Smyth & Sept 3rd 1895
vs
D. R. Smyth & In Chancery.

On Motion of the
plaintiff by her Counsel, Wm. A. Orr,
the Court orders and decrees that
an order of Publication is ~~not~~
necessary in this case; and
that the same be proceeded with
as though an Order of
Publication had been regularly
made and completed.

W. I. Miller
Judge Circuit Court Lee Co Va

Mary R Smith
vs } Deere
D R Smith

6-
Entered in Chcy
Order Book 5-
Page 248.

The depositions of Wm Richmond (col) and
taken before me, D.C. Smell,
a Notary Public in and for Lee County, State
of Virginia, pursuant to an order of the
Circuit Court of said County and State, the
same having the effect of an order of
Publication, at the said Office of Wm A. Orr,
in Jonesville, Va, between the hours of
8 A.M. and 4 P.M. on the 10th day of
September, 1895, to be read as evidence on
behalf of the said Mary R. Smith in a
Certain suit in Chancery, depending
in the Circuit Court of Lee County, Va,
wherein Mary R. Smith is plaintiff
and David R. Smith is defendant.
Present: Wm A. Orr, Atty for Plaintiff.

Wm Richmond (col) a witness of
lawful age being first duly sworn
deposes and says:

I am about 31 years old. I
reside near Jonesville Lee County Va.

I have been acquainted with
David R. Smith about 15 years.

I have been a porter at Brown's
Hotel Rogersville Tenn & have
been a waiter at Cook's Hotel
& also at Brown's Hotel ~~here~~
here in Jonesville Va. While
around these hotels he asked me
on more than one occasion if

I could ~~take him~~ find a girl for him. He insisted & said if I could get him a girl he would pay me for it. He wanted a girl to have carnal intercourse with. I can't state the time exactly when this was, but know it was after said Smith marriage, for I was ~~at~~ the church when he was married.

He had similar talk to me at his store house here in Jarricks while he was selling clothing.

He drank a great deal & was drinking some of the times while talking to me as above stated.

And further, this deponent saith not.

Wm. Richmond.

Virginia Lee County, Va.

I D. C. Sewell, a notary Public for the County aforesaid in the State of Virginia, do certify that the foregoing deposition of Wm. Richmond (col),

Wm. Clainey
15-50

now duly taken, subscribed
sworn to before me at the place
time & for the purpose in
the Caption mentioned. Given
under my hand this 10th day of
Sept. 1895.

D. P. Sewell
N.P.

Mary R. Smith

vs { Depos -

David A. Smith

Rec'd from Notary
before whom taken
and filed this 10th day
of Sept 1895

A. B. Murray Clk

1894

BY WHOM DRAWN.

Date on which drawn.

AMOUNT.

D. R. Smith	aug 14/94	Green Keuffner & Co	22
"	" 23/94	Mrs D. R. Smith	40
"	" 29/94	O. S. Myers	10
"	" 29/94	McFarland Muzzey & Co	25
"	" 30	" J. E. Lutz & Co	25
"	Sept 4	" Bell Barker & Jennings	25
"	" 10	" Grosvenor Burgess & Co	25
"	Oct 9	" D. R. Smith	50
"	" 19	"	25
"	" 30	"	15
"	Dec 10	"	10 10

Red unpaid not protested

aug 14 1125

Sept 25 100-

Oct 31 25

1863

21210
 10000
 258 20

"Cashier"

Poor Quality Original. Best Possible Capture

The depositions of Mary R. Smith, Wm. A. Orr
E. E. Cook

and others taken before me, D. C. Sewell,
a Notary Public in and for Lee County, State
of Virginia, pursuant to an order of the circuit
Court of said County and State, the same
having the effect of an Order of Publication,
at the dwelling house of S. V. F. Richmond in
Journville, Va, between the hours of 8 A.M. and
4 P.M., on the 5th day of September, 1895;
to be read as evidence on behalf of the said
Mary R. Smith in a certain suit in
Chancery, depending in the Circuit Court
of Lee County, Va, wherein Mary R. Smith
is plaintiff and David R. Smith is
defendant.

Present: Wm. A. Orr, Atty for Plaintiff.

Mary R. Smith a witness of lawful
age being duly sworn deposes and says:

I am 26 yrs old and my residence
is in Lee County, Virginia, where I
have resided since last August
one year ago. I came to Lee
County from Lagune County Va
where I had been stopping for
about 6 weeks.

I married David R. Smith
in Lee County Va on 9th Sept 1886.

After our ^{marriage} we went to Rogersville
Tenn for a short time & then
returned to Jonesville Va and
lived there for three or four
years, from about 1888 till 1891,
since which time my husband,
D. R. Smith has had no permanent
place of residence. He has taken
me to different places since, leaving
me for weeks at a time, without
support, that I know nothing of
his whereabouts. In fact he has
not supported me nor my children
~~within~~ for about two & half yrs
before our separation. On one
occasion for several days I
lived only on potatoes, he having
left me without any means of
support & I refusing to ask
for credit. On one occasion
all my silver ware & furniture &
Bridal presents, all ~~at~~ my own
separate property given to me
by my father & friends, were levied
on & sold for some of his
gambling debt as I was informed.
David R. Smith left me at

Lezwell D^a a little over a year ago, saying he would join me at Jonesville, where he said he was going into business in Sept. Since that time (Sept) I have had only one letter from him, which bears date July 28th 1895 & is here filed marked "one". Letters received by me here from his friends & friends which show to some extent his conduct & whereabouts are herewith filed as a part of my deposition marked exhibits from 2 to 15 inclusive.

His abandonment of my self & children was not by my consent, nor has his illegal & immoral conduct been by my consent or connivance. In fact I had no knowledge of his illegal & grossly immoral conduct until after his abandonment of me.

Having knowledge now of his dishonesty & immoral conduct I do not think it safe for me to ~~undertake~~ ^{undertake} to live with him again, in fact my sensibilities are shocked at the very idea of such a thing. I ~~therefore~~

and further this witness saith
not.

M^r. N. Smith.

W. A. Orr another witness of lawful
age being duly sworn deposes & says:

Since the marriage of D. R.
Smith to Mary R. Smith nee Richmond
I met ^{said} D. R. Smith in Knoxville
Tenn, where I had gone to hunt
one Tennessee Thompson, who I
wanted to use as a witness in
the Chancery cause of myself against
E. M. Pennington adverse et al then
pending in the circuit court of
Lee C. v. a. At which place, Knox
ville, I was short of money & asked
D. R. Smith to loan me \$1²⁰ - the
railroad fare between Knoxville
& Morris town. He said he would
do so if he had enough, that he
wanted to go on Water Street
that night. On counting his money
he found that he could let me have
one dollar & did so. I understood
Mr. Smith to mean that he was
going on Water Street for the fare

pose of associating with women of
bad Character. The reputation of
said Water Street is where lewd
women abound & occupy.

And further this witness saith
not.

Wm A. Orr

The further taking of these depositions
is ~~adjoined~~ adjourned from the
residence of S. V. & Richmond, the place
mentioned in the Caption, to Powell's
Valley Bank in the town of Jonesville
Lee County Va till Sept. 6th 1895
& between the hours of 8 A.M. & 4 o'clock
P. M.

D. C. Sowell M. P.

Powell's Valley Bank, Jonesville
Lee Co, Va. met pursuant to
adjournment, This Sept. 6th 1895

D. C. Sowell M. P.

Present Wm A Orr Atty for Plff.

C. E. Cook a witness of lawful
age being duly sworn deposes & says:

I am Cashier of the Powell's
Valley Bank of Jonesville Va, & have
been so for about 3 1/2 years.

I am acquainted with David R. Smith
since I have been Cashier of said
Bank he has drawn checks or drafts

on said Powell Valley Bank, which have not been paid, the said Smith having had no funds in said Bank, to the amount of \$408⁴⁰, two hundred & seventy two & fifteen Cents of which went to protest & \$36²⁵ was returned unpaid protest having been waived.

The first check or draft was presented & protested Aug. 14th 1894 & the last one on Dec. 10th 1894. I file herewith a statement, marked "Cashier", showing the list of said checks, dates of protest &c as a part of my deposition.

I have known David R. Smith drinking & being intoxicated. Was I ever with D. R. Smith in Louisville, Ky. and if so when?

I was in Louisville, Ky. with D. R. Smith in Decr. 1891, I think.

Have you any reason for suspecting that D. R. Smith was not of chaste Character while in Louisville, Ky, at said time, and if so state the facts upon which you base your opinion?

I visited a house of ill fame with said Smith while in Louisville,

Did you visit more than one house
of ill-fame on said trip and stay
in Louisville, Ky?

I did visit with said Smith two
houses of ill-fame, but in one we only
went in & right out, in the other we
stayed perhaps half an hour, we also visited
two variety theatres, that were not altogether
decent.

And further this deponent says not.

B. C. Cook

Virginia Lee County, to wit:

I, D. P. Sewell, a Notary Public for
the County aforesaid in the State of
Virginia, do certify that the foregoing
depositions of Mary R. Smith, Wm
A. Orr & C. C. Cook were duly
taken, ~~and~~ subscribed & sworn
to before me at the times & places
mentioned in the caption & adjournment
for the purpose in the caption men-
tioned. Given under my hand this
Sept. 6th / 1895.

D. P. Sewell
N. P.

Mary R. Smith

vs 3 depos

David R. Smith.

~~Filed September 6th~~
~~1895~~

Received from D C Sewell
the Notary before whom
taken and filed Sept
the 6th 1895.

AB Munsey

In the Clerk's Office of the Circuit Court of the County of
See

against

Mary R Smith

Plaintiff

In Chancery

D R Smith

Defendant

This day

Mr. A Orr

personally appeared

before me

A B Munsey

Clerk of the said Court,

and being duly sworn, made oath that

David R Smith

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand has Clerk of the said Court, this

6th day of

September

1895

A B Munsey Clerk

Mary R. Smith

vs.

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

D. R. Smith

Ma Orr

p. q.

Virginia: Lee County to-wit,

I, D. C. Sewell a notary Public in
and for the County of Lee State of Virginia,
do Certify that Wm A. Orr appeared before
me in my County and made oath that
he believes the allegations of the Com-
plainant's bill are true. Given
under my hand this the 30th day
of August, 1895.

D. C. Sewell

CLERK'S RECEIPT.

No. 1

SUITS.

Plaintiff *Mary H. Smith*

Defendant *J. H. Smith*

Date *September 3rd 1895*

Amount of tax, - - - - \$ *1.50*

~~Common law~~

Chancery

Received (date) *September 3rd 1895*

A. B. Munsey Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

WE COMMAND YOU, That you summon

D R Smith

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*5*, to answer a
bill in Chancery, exhibited against *him* in our said court by

Mary R Smith

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *3rd* day of *September*, 189*5*, and in the
120th year of the Commonwealth.

A B Munsey Clerk.

A Copy Leste

A B Munsey Clerk

vs. { SUPRENA
IN CHANCERY.

.....p. q.

To.....Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

D. R. Smith

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *15th* Monday in *October*, 189*8*, to answer a
bill in Chancery, exhibited against *him* in our said court by

Mary R. Smith

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *3rd* day of *September*, 189*8*, and in the
18th year of the Commonwealth.

A. B. Munsey Clerk.

Mary R. Smith

SUPCENA

vs.

IN

CHANCERY.

David R. Smith

Wm A Orr p. q.

To 1st Oct. Rules,

Circuit Court.

Not Executed the
defendant being
a non resident of
the State of Virginia
this Sept 3-1895.

J. M. Weston Deputy
for Wm P. Weston S. C. C.